

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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**MARGARET BACH,**

Plaintiff,

-vs-

Case No. 13-CV-370

**MILWAUKEE COUNTY CIRCUIT COURT,  
Judge Jane Carroll presiding,  
MILWAUKEE COUNTY, DEWEY MARTIN,  
ELIZABETH RUTHMANSDORFER,  
MOERTL WILKINS & CAMPBELL,  
DENICE MADER, LYNN WAGNER,  
LIFE NAVIGATORS, MAUREEN McGINNITY,  
FOLEY & LARDNER, CHRISTINE GABOR,  
DISABILITY RIGHTS WISCONSIN,  
KATIE DOMER, EASTER SEALS OF  
SOUTHEAST WISCONSIN, INC.,  
KRISTA BUCHHOLTZ, WILSON ELSER  
MOSKOWITZ EDELMAN & DICKER LLP,  
DR. GARY STARK, MILWAUKEE COUNTY  
MENTAL HEALTH COMPLEX, SCOTT MCCARDELL,  
BRIDGES OF WISCONSIN, INC., OFFICER JULLIAN  
GOGGANS and MILWAUKEE POLICE DEPARTMENT,**

Defendants.

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**MOTION OF DEFENDANTS DENICE MADER, LYNN WAGNER,  
LIFE NAVIGATORS, INC., MAUREEN McGINNITY AND  
FOLEY & LARDNER LLP TO STRIKE PLAINTIFF'S "REPLY BRIEF" IN  
OPPOSITION TO MOTION TO DISMISS**

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The defendants Life Navigators, Inc., Denice Mader, Lynn Wagner, Foley & Lardner LLP and Maureen A. McGinnity, by their undersigned counsel, hereby move the Court for an order striking the "Reply Brief" plaintiff filed on August 22 and August 23, 2013 (Dkt. 114, 115, 117) in opposition to said defendants' motion to dismiss the Amended Complaint. (Dkt. 59.) As grounds in support of this motion, defendants state that:

1. On June 26, 2013, these defendants filed their Motion to Dismiss the Amended Complaint and supporting brief. (Dkt. 59, 60.)

2. Plaintiff filed a brief and appendix in opposition to the defendants' motion on July 30, 2013. (Dkt. 85.)

3. Defendants filed their reply brief on August 6, 2013. (Dkt. 95.)

4. On August 22, 2013, plaintiff filed a combined "reply brief" (Dkt. 114, 115) in opposition to defendants' motion to dismiss and in support of plaintiff's motion for default judgment against Scott McCardell and Bridges of Wisconsin, Inc. (Dkt. 89) and request for order compelling the Waukesha Police Department to provide her with a police report. (Dkt. 88.)

5. On August 23, 2013, plaintiff filed an amended combined reply brief. (Dkt. 117.)

6. The vast majority of plaintiff's combined reply brief asserts further arguments with respect to defendants' motion to dismiss. (Dkt. 117, pp. 1-2, 5-16, 18-21.)

7. Pursuant to Local Rule 7(c), only the moving party is entitled to file a reply brief in support of a motion. Plaintiff is not the moving party with respect to defendants' motion to dismiss and has no right to file a reply brief. Nor did she seek leave of the Court to file a sur-reply brief.

8. Plaintiff's combined reply brief contains misstatements of fact, improper arguments, and unfounded accusations of professional misconduct by defendants' counsel.

For all of the foregoing reasons, defendants respectfully request that the Court strike the above-referenced portions of plaintiff's combined reply brief.

Dated this 26<sup>th</sup> day of August, 2013.

MAUREEN A. McGINNITY

By /s/ Maureen A. McGinnity  
Maureen A. McGinnity (WBN 1009581)  
William R. Hughes (WBN 1070860)

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